

EXHIBIT 23

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

OWENS CORNING, et al., Case No. 04-CV-905

Plaintiffs,
v.
601 Market Street
Philadelphia, PA 19106
CREDIT SUISSE FIRST BOSTON,
et al.,

Defendants.. January 19, 2005
1:43 p.m.

TRANSCRIPT OF HEARING
BEFORE HONORABLE JOHN P. FULLAM
UNITED STATES BANKRUPTCY COURT JUDGE

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FOR THE BANK GROUP:

Dr. Frederick C. Dunbar

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1 filed a claim in a state other than where they reside, whether
2 they had worked in the state where they filed their claim at
3 the time of their asbestos exposure but now live somewhere
4 else?

5 A The short answer is yes. It would be a time consuming
6 process but you can find that out from some other database.

7 Q And, that would -- you would agree with me that if a --
8 well, first of all, would you agree with the proposition that
9 filing a lawsuit in a state where one doesn't live is permitted
10 by the joinder rule still in many states?

11 A Yes.

12 THE COURT: The sun rises in the east in the morning,
13 also. Would you please stop wasting everybody's time.

14 BY MR. FINCH:

15 Q And, would you also agree that a -- if you did an analysis
16 of percentage of claimants who filed either in the state where
17 they live or the state in which they were exposed to Owens
18 Corning's product, the percentage of out-of-state filers would
19 be significantly lower?

20 A I don't know if it would be significantly lower but
21 mathematically it would almost have to be lower.

22 Q Now, you talked a little bit about Manville X-ray audit
23 process; right?

24 A Yes, I did.

25 Q And, Manville -- you know that Manville ultimately

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1 determined that it wouldn't deny any claims based on the
2 results of the audit; right?

3 A That's an over-simplification.

4 Q Well, no claims were, in fact, denied based on the results
5 of the audit; right?

6 A To say that Manville determined that is incorrect though.

7 THE COURT: Talk into the microphone please.

8 A To say that Manville determined that is really incorrect.

9 BY MR. FINCH:

10 Q Well, the trust didn't refuse payment of any claims
11 ultimately based on the results of the audit; did it?

12 A After a lawsuit and an admonition by the Judge that he was
13 going to find for the plaintiffs in the lawsuit, so I don't
14 think you could say that under those circumstances that
15 Manville willingly didn't find any -- didn't deny any claims.

16 THE COURT: But at least eventually were they denied
17 or were they not?

18 DR. DUNBAR: They were not denied, because basically
19 the plaintiffs --

20 THE COURT: Some idiot Judge said otherwise, okay.

21 DR. DUNBAR: Some Judge said not to do it.

22 BY MR. FINCH:

23 Q And, the Judge was Jack Weinstein; correct?

24 A The Judge was Jack Weinstein.

25 Q And, the way the Manville audit worked is that a claim

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1 that was -- an X-ray that was submitted by plaintiff was read
2 by two Manville Trust "B" readers; right?

3 A Well --

4 Q It was read first by one Manville Trust "B" reader and if
5 they rejected it, said, no, I don't agree with what the
6 plaintiff's doctor found, then it went to another "B" reader;
7 right?

8 A Yes, the tie breaker.

9 Q And, if both "B" readers said I don't agree with that,
10 then the Manville Trust said that claim, "failed the audit";
11 right?

12 A Yes.

13 Q And, you understand that the Penn State study showed that
14 the chances for a particular claimant of "passing the audit"
15 depended in large measure on the identity of the two "B"
16 readers who the Manville Trust had reading the X-rays; right?

17 A That's why I said on my direct that the Penn State study
18 said that that particular audit was not necessarily a good
19 device for denying an individual claim.

20 Q And, you would agree with me, would you not, that normally
21 questions about like whether or not a particular doctor's view
22 of an X-ray is correct is a credibility determination that in
23 the system of -- the judicial system in the United States
24 typically goes to a jury to resolve?

25 THE COURT: Except that in the trust situation it

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1 normally would not. Let's stop -- other people want to have
2 some cross-examination and we getting to the end of the day.
3 Do you have anything that's not repetitious? Let's hear it.

4 BY MR. FINCH:

5 Q Could you show Exhibit CSFB 300.

6 MR. FINCH: I don't believe we have a graphic of this
7 one, Your Honor.

8 THE COURT: I have it right before me. It's got the
9 squiggly green line. What's he going to say now that hasn't
10 already been said about this?

11 BY MR. FINCH:

12 Q Well, Dr. Dunbar, you recognize that Owens Corning
13 received claims from female claimants; correct?

14 A Yes. I think it's a little less than four percent.

15 Q And, you also recognize that the Nicholson population
16 includes females who were exposed to asbestos in the work
17 force?

18 A Well, there's two parts to that. Okay? The epidemiology
19 is not women. The epidemiology is men and only men. The
20 workforce that he applied the epidemiology to came from BLS
21 statistics and I don't believe it was gender specific.

22 Q But undoubtedly people -- women were in the workforce
23 between 1940 and 1979, who were exposed to asbestos, including
24 Owens Corning's asbestos?

25 A Yes. But it was mainly trades.